



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Beausejour v Matzelle, 2026 ONLTB 2258

Date: 2026-01-05

File Number: LTB-T-009352-25-RV

In the matter of: 18 MURDOCK
Kapusksing ON P5N1H8

Between: Jonathan Beausejour Tenants
Valerie St-Louis

And

Jessica Matzelle Landlords
Mykola Pylypenko

Review Order

Jonathan Beausejour and Valerie St-Louis (the 'Tenants') applied for an order determining that Jessica Matzelle and Mykola Pylypenko (the 'Landlords') :

- entered the rental unit illegally.
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was resolved in favour of the Tenants by order LTB-T-009352-25 issued on September 3, 2025 and based on a hearing that took place uncontested on August 12, 2025.

On September 12, 2025, the Landlords requested a review of the order and that the order be stayed until the request to review the order is resolved. The Landlords allege that they were not reasonably able to participate in the hearing on the basis they were not notified that the Tenants had filed an application against them and were unaware of there being a hearing.

On September 15, 2025 interim order LTB-T-009352-25-RV-IN was issued, staying the order issued on September 3, 2025.

This review was heard by videoconference on November 4, 2025.

Both Landlords and Tenants attended the hearing.

Determinations:

1. In the Landlords review request they allege that they had no knowledge of the proceeding and no notice of hearing and that they were not aware at all that the Tenants had filed a T2 application against them. However, they also state that they received notification of the file number for the application in order to create a PIN for the online Tribunals Ontario Portal (TOP). The request also states that the Landlord's son received an email and notified them that there had been an order issued. The Landlords further submits that they don't check or use their email.
2. At the hearing, the Landlords testified that they received paperwork to create a password with TOP and that is all they state they received. They did not state which date they received the document, however, I am satisfied it must have been prior to their consent for email service in TOP on March 2, 2025.
3. The Board's records show that both Landlords signed onto TOP and independently created profiles on March 2, 2025. In this regard, they also consented to receive information about the file from the Board by email consent. Accordingly, on March 19, 2025 the Board emailed them both with the Notice of Hearing for August 12, 2025 as well as the application copy and information about the hearing. Neither email was returned to the Board as undeliverable. Both Landlords have separate identifiable emails and they also confirmed that the order was received by email, albeit it was received by their son.
4. The same emails were used by the Board to send the Landlords the order copy on September 3, 2025. The same email for the Landlord, Jessica Matzelle, was also used by the Landlords to submit their review request on September 12, 2025 with their payment receipt. The Landlord's submit this is the email address for their son.
5. At the hearing, the Landlords testified that they only received the disclosure package from the Tenant regarding their Landlord file under LTB-L-103014-24, although they could not recall the date they received it. They deny receiving any evidence from the Tenant regarding their T2 application and deny receiving a copy of the application from the Tenant on February 1, 2025 as the Tenants submit.
6. However, in order to gain access to TOP, the Landlords had to have the file number for this application in order to create their online profile and they don't dispute that they did have it. Not only did they sign in and give consent to disclosure in TOP once, but they did it twice with two separate email addresses.
7. The Tenants application does not include any email for the Landlords, so unless the Landlords signed into TOP to create their profile and consent to receive documents in this way, the Board would not have sent notice of the hearing in this manner without their consent.
8. I do not accept the Landlords evidence that they had no knowledge of the Tenants application or any knowledge of the hearing. Once they had accessed the portal on March 2, 2025 they would have had full access to the contents of the file which includes two copies of the Tenants' application and their respective evidence. Even if I were to accept that the Landlords do not use or check their emails, I cannot ignore the fact that their son, who did not attend the hearing, did have access to the email as the Landlords confirmed they received a copy of the order in this manner.

9. Even if I were to accept that the Landlords did not receive notice of the hearing or access the portal, their son clearly did. On this basis it cannot be said that the Landlords did not have a reasonable opportunity to participate in the process. I don't accept that they had no knowledge of the matter on the basis that they confirmed they used the application file number to create an online account in TOP and their son had access to the file. On a balance of probabilities, I find that the evidence supports the fact that the Landlords did not exercise reasonable diligence in attending the Board's hearing.
10. In *Q Res IV Operating GP Inc v. Berezovs'ka*, 2017 ONSC 5541 (Div. Ct.) (CanLII), the Divisional Court affirmed a party to a Board application is required to exercise reasonable diligence to be aware of and to attend the scheduled Board hearing. In that case, the Court upheld the Board's finding that the landlord failed to take note of the Board's notice of hearing, which the Board served on the parties by regular mail. The Court found that the Board served the notice by mail, that the Act deemed the landlord to have received the notice five days later, and that Canada Post did not return the Board's mail as undeliverable. It was therefore reasonable for the Board to conclude that the landlord had failed to exercise reasonable diligence to identify and take note of the notice of hearing.
11. In the present case, and in keeping with the Divisional Court's decision in *Q Res IV Operating GP Inc*, I similarly find that it is more likely than not that the Landlords did not take note of the Board's Notice of Hearing package and did not act with reasonable diligence.
12. A review is not an appeal or an opportunity to change the way a case was presented. The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance.
13. Since I am not satisfied that the Landlords did not have a reasonable opportunity to participate in the hearing, albeit they lacked the diligence in attending, the request for review must be dismissed.

It is ordered that:

1. The request to review order LTB-T-009352-25 issued on September 3, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on September 15, 2025 is cancelled. The stay of order LTB-T-009352-25 is lifted immediately.

January 5, 2026
Date Issued

Terri van Huisstede
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.